

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

JULY 2006



Governor Jim Risch (right) appoints Gordon Petrie as District Judge (left).
Photo courtesy of gov.idaho.gov.

Petrie Appointed District Judge

Governor Jim Risch appointed Gordon Petrie, a National Guardsman and Third District Magistrate Judge since 1989, to the newly created district judge position in the Third Judicial District on June 28. Petrie's name was among three candidates that the Judicial Council sent to the governor to consider for the appointment. Richard Greenwood and Hon. Thomas Ryan's names also were forwarded.

"Gordon will be an excellent district judge," Governor Risch said. "His experience as a magistrate will serve him well as does his leadership in the National Guard."

Petrie is a Colonel in the Idaho Army National Guard and is Deputy Brigade Commander of the 116th Brigade Combat Team. He was deployed to Kuwait and Iraq from June 2004 until November 2005, and then returned to the bench in Emmett following his tour of duty.

A graduate of Idaho State University and University of Idaho, where he received his Juris Doctorate in 1976, Petrie was in private practice in Lewiston for several years, after serving as prosecuting attorney for Nez Perce County from 1977 to 1982. Petrie also was the President of the Idaho Prosecuting Attorneys Association in 1982.

"What an honor and what a privilege," Petrie said of his appointment. "It's very humbling."

The appointment is a new judicial seat approved by the Legislature in the 2006 session.

Judge Varin "Fearless Leader" on Juvenile Issues

Colleagues of Fifth District Magistrate Judge John F. Varin say he is more than just a forerunner of improving the way Idaho courts deal with juvenile issues.

"He is our fearless leader," said Sixth District Magistrate Judge Bryan K. Murray. "Judge Varin really cares about kids, and he's dedicated to making their lives better."

As the chair of the Juvenile Justice Advisory Team of Magistrate Judges, Judge Varin guides nine other members in providing the Idaho Supreme Court, the Idaho Legislature, and state agencies with information on standout issues facing the juvenile justice system in Idaho. By working closely with entities like the Department of Juvenile Corrections, Health and Welfare, and the Idaho Association of Counties, the team ensures that services for juvenile offenders are being prioritized.

"It's a unique court process that functions because there are always judges willing to step up and take on leadership roles to consider issues facing juvenile offenders and their families," Judge Varin said. "I am pleased to have the privilege to be a part of a long history of judges' leadership in this area...It's an opportunity to associate with wonderful people who are anxious to get together to solve some difficult problems."

Judge Varin has led the team since its inception in 1995, when the Idaho Legislature passed the Juvenile Corrections Act, the "umbrella statute" that outlines the processes and jurisdiction of juvenile courts in Idaho. Judge Varin said it was also the time of the "huge reformation" of the juvenile justice system in Idaho, as the system broke free of Health and Welfare.

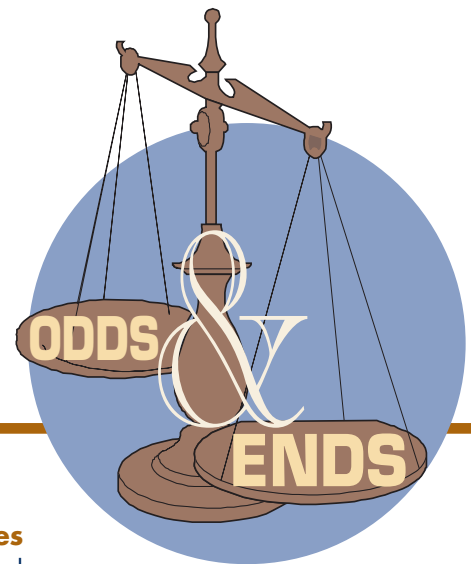
"The purpose of the act was to follow a balanced approach, (harmonizing) community safety, accountability, and competency development to create an equilibrium triangle (in the juvenile justice system)," Judge Varin said. "The team ensures that the purpose of the legislation is being implemented."

Among the team's recent accomplishments, Judge Varin and Judge Murray said, are the strides it has made in addressing the areas of mental health and substance abuse. The availability of resources that extend the services and treatment for juvenile offenders with mental health implications or substance abuse problems in Idaho is lacking. The team also constantly tries to find ways that the courts can be more effective in encouraging family involvement while still holding the kids accountable. The purpose of the whole system is to divert children from further criminal activity; it's as much preventive as it is responsive to juvenile crime.

A lifetime resident of Idaho, Judge Varin is a University of Idaho College of Business and College of Law graduate. He became a Magistrate Judge in 1985, after being in private legal practice from 1971 to 1985. He also was the Prosecuting Attorney for Camas County from 1973 to 1985. He and his wife, Cindy, have two adult children.

After many years attending Sunday school classes and being a 4-H leader with his wife, Judge Varin says he just "migrated to working with young people." One of his unique characteristics, Judge Murray says lightheartedly, is that he's "always wearing a smile and a bowtie."

"One of the joys of working with the team," Judge Varin says, "is the relationships I've developed with some outstanding people over the years."



Information On Magistrate Judge Retention

Aug. 9	Last day to file declaration of candidacy
Oct. 10	Reporting statement under I.C. § 6607(a)(4)
Oct. 31	Reporting statement under I.C. § 6607(a)(5)
Nov. 7	Election Day
Dec. 7	Reporting statement under I.C. § 6607(a)(6)
Jan. 31	Annual report under I.C. § 67-6608(a), if required

****Time given to report received contributions or expenditures of more than \$1,000 made between Oct. 23 and Nov. 4: Within 48 hours after receipt or expenditure**

Contact Michael Henderson with questions:
(208) 334-2246, mhenderson@idcourts.net

Paper Offers New Strategies

Awareness of elder abuse among the judiciary got a boost in June, as the National Center for State Courts released a Policy Paper that outlines ways to improve court responses to elder abuse, neglect and exploitation.

In support of the United Nations' World Elder Abuse Awareness Day on June 15, The Center released the information, which includes specific products, strategies and recommendations that can be developed and implemented to help alleviate the growing problem of elder abuse. The paper also resulted from the first-ever meeting of the Elder Abuse and Courts Working Group in April.

To view a press release on the report, visit:
<http://www.isc.idaho.gov/links/NCSC-newsrel.doc>
To view the full report, visit:
<http://www.ncsconline.org/famviol/elderabuse/index.html>



Idaho Judicial Conference Set

All Idaho judges and Trial Court Administrators are invited to attend the annual Idaho Judicial Conference.

All justices, judges and court administrators are encouraged to mark their calendars for the event and make necessary arrangements to attend. Registration materials will be sent out in the near future. Depending on available funding, Senior Judges may also participate in the conference.

Featured guests at the event include Dr. Stephen R. Covey, author of "The 7 Habits of Highly Effective People." He will present the opening workshop on October 2. Covey will conduct a tailor-made workshop for Idaho judges with the theme "Leadership: A Choice," which is based in part on his latest book, "The 8th Habit." A copy of the book will be provided for each participant of the conference.

The Idaho Judicial Council will present its regular report and will hold a workshop on ethics for judges. Also, Erwin Chemerinsky is scheduled to present his annual U.S. Supreme Court update on October 4. Chemerinsky, a professor of law and political science at Duke University, writes a regular column on the Supreme Court for publications like California Lawyer, Los Angeles Daily Journal, and Trial Magazine. He is the author of four books and regularly serves as a commentator on legal issues for national and local media. In April 2005, Legal Affairs named Chemerinsky one of the "top 20 legal thinkers in America." Given the noteworthy cases announced in June, conference organizers anticipate Chemerinsky's session to be educational and enlightening for all participants.

Contact Judge Lowell Castleton if you have any questions about the conference. He can be reached at (208) 947-7417 or lcastleton@idcourts.net.

Orientation Held for New Judges

The May 2006 New Judges Orientation included two new magistrate judges, Judge Roger Harris of Twin Falls County and Judge David Manweiler of Ada County's Juvenile Court.

Idaho Supreme Court Justice Linda Copple Trout oversees the training efforts for judges, as she is the chair of the Judicial Education Committee. Three Supreme Court Justices and two judges of the Idaho Court of Appeals were among those making presentations to the new judges. Active participation of a state's highest court at an orientation for two judges may be unusual in other states.

At the orientation, Judge Harris and Judge Manweiler expressed appreciation for the knowledge and expertise that the judges and faculty members shared with them.

The judiciary also commends the faculty members for the time, preparation and travel they gave to assist with this year's NJO.



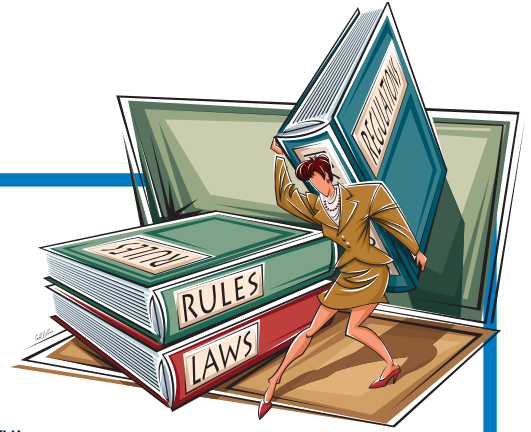
New Judges Roger Harris of Twin Falls County (left) and David Manweiler of the Juvenile Court in Ada County.



Dan Kessler (left) joins Judges Harris and Manweiler as they listen to Judge Williamson discussing effective case and calendar management strategies.

New Orders & Rule Changes

For current New Orders or Rule Changes, go to <http://www.isc.idaho.gov/rulesamd.htm>



The following rule amendments are effective July 1, 2006.
Follow the links to view the amendments.

I.C.R. 33.3 (<http://www.isc.idaho.gov/crimrul-506.htm>)

Amendment to the evaluations of persons guilty of domestic assault or domestic battery;
includes language that the evaluator must review NCIC through a local law enforcement agency.

I.R.C.P. 77(b) (<http://www.isc.idaho.gov/ircp-cfcc606.htm>)

Amendment to clarify that the judge has discretion to close civil domestic violence hearings.

Amendment of I.B.C.R. and I.R.C.P. - June 5, 2006 (<http://www.isc.idaho.gov/iBCR606.HTM>)

The Idaho State Bar proposed amendments to the Idaho Bar Commission Rules (I.B.C.R.) and the Idaho Rules of Professional Conduct (I.R.P.C.). The Court approved the amendments, which address Reciprocal Applicants; Right to Practice After Admission, Maintenance of Membership; Failure to Comply with Licensing Requirements; Education Requirement – Report; Idaho Lawyers Licensed in Other States; and under the Rules of Professional Conduct, the rule regarding Safekeeping Property.

Other Rule Changes

In Re: Order Amending Small Claims Standard Forms (IRCP Rule 81), June 15, 2006, effective immediately

(<http://www.isc.idaho.gov/smclaims606.htm>)

Includes agreement to mediate and two affidavits.

IN RE: Policy Regarding Fairness and Equality in the Courts: (<http://www.isc.idaho.gov/fairness606.htm>)

The Supreme Court adopted a set of principles, based on recommendations of the Fairness and Equality Committee.

IN RE: COURT ASSISTANCE SERVICES: Order Adopting Guidelines and Requirements

(<http://www.isc.idaho.gov/CAO-Guidelines606.htm>)

Consistent with ICAR 53, the Court adopted the guidelines to define the minimal level of court assistance services that should be provided in every county of the state.

Employee Handbook Revision

After reviewing Senate Bill 1363a (enacted by the Idaho Legislature during the 2006 session), which made significant changes relating to employee compensation; and after reviewing a recommendation to amend the Idaho Judicial Branch Employee Handbook, paragraphs V.A, V.C and VII.A; the Court amended the Idaho Judicial Branch Employee Handbook, Section V. – General Leave Policies (<http://www.isc.idaho.gov/links/Employee-Handbook-comp.doc>).



New Magistrate Judges Named

Jerold W. Lee of Meridian and George W. Southworth of Pocatello are Canyon County's newest Magistrate Judges. The Third Judicial District's Administrative District Judge Gregory M. Culet made the announcement of the selection at a meeting of the Third District Magistrates Commission in Caldwell on July 7.

Lee is a graduate of the University of Washington and of the University of Idaho, where he received his law degree. He is currently Deputy Attorney General with the State of Idaho, and was in private practice with Benoit, Alexander, Harwood, Hugh and Butler in Twin Falls for five years. Lee also was deputy prosecuting attorney in Clearwater County, and maintained a solo law practice in Orofino.

Southworth received his undergraduate degree from Idaho State University and his law degree from the University of Utah. Since 1987 he has maintained a general law practice in Pocatello, with an emphasis on criminal defense. As part of his practice, Southworth provides public defender services in Power and Oneida counties. He also is involved in problem solving courts in the Sixth Judicial District, including two drug courts and a juvenile school attendance court.

Lee and Southworth were among 18 applicants for the positions, which were authorized by the Idaho Legislature in the 2006 session. They will assume their new duties by mid-August. For the complete press release, visit:

<http://www.isc.idaho.gov/links/leesouthworthrelease.doc>

Reynolds Relocating, Recruitment Begins

After several years assisting with judicial education and other training programs in Idaho, Valerie Reynolds will move to Logan, Utah at the end of July. She will work as the Executive Assistant to the Vice-Provost of Utah State University's Office of Regional Campuses and Distance Learning. The move will allow her and her daughter to be near family again, and we wish Valerie and her daughter the best. Interviews for the position are being held the week of July 24.

Notice of Recruitment

The Magistrates Commission of the Third Judicial District is seeking applicants for the position of Magistrate Judge with resident chambers in Gem County. Applications must be received by July 24, 2006 and are available at:

<http://www.the3rdjudicialdistrict.com/GemMagApp.doc>

The Bar poll is due August 9.

District Judge Candidates

The Judicial Council has forwarded the names of Ken Howard, Lansing Haynes, and the Hon. Scott Wayman to Governor Jim Risch as candidates for the newly-created district judge position in the First Judicial District.

Elmore Magistrate Judge Candidates Announced

Allen, Lawrence Gale	Meridian
Crawford, Michael James	Mountain Home
George, Cheryl Diane	Murtaugh
Hicks, George Gregory	Boise
Kroeger, Paul R.	Wendell
Miller, Philip R.	Mountain Home
Ratliff, Terry Scott	Mountain Home
Rice, James Edwin	Caldwell
Robins, Kenneth Martell	Mountain Home
Steveley, Craig Alan	Boise
Sturgell, Jay Q.	Kellogg
Truscott, Daniel, Mark	Boise

Judge Smith Honored

Sixth District Judge Randy Smith was honored with a distinguished service award from the Eastern Idaho Chapter of the J. Reuben Clark Law Society in July. The chapter periodically selects a person in the legal profession who has served his or her community in a way that is above and beyond normal expectations. Chapter chair Steve Tuft of Burley said Judge Smith is "an awfully good judge" in general, having modeled professionalism and courtesy as a judge. Particularly, Tuft said, his mediation in lawsuits reflects the spirit of the Small Lawsuit Resolution Act, a bill that was designed to reduce the cost of litigation and speed the resolution of conflicts that have resulted in a lawsuit.

The J. Reuben Clark Law Society also has chapters in Boise and Moscow, as well as across the nation and in several other countries. Awards are generally given on a chapter-by-chapter basis.

Judge Wilper Receives Jefferson Award

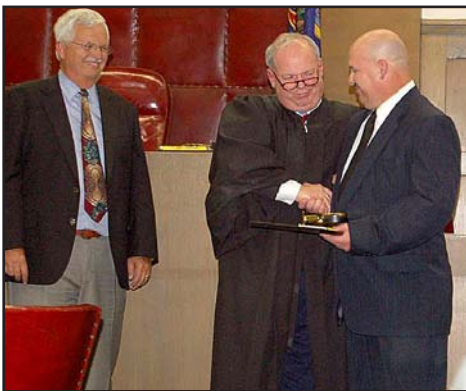
Fourth District Court Judge Ronald J. Wilper was recognized with the Jefferson Award in April for his public service efforts and dedication to Idaho's drug courts. Judge Wilper has spent the past four years volunteering up to 15 hours a week preparing for and presiding over the Ada County Drug Court. In addition to his regular case load, he typically has as many as 170 drug court cases. As a "last chance court" the program works and Judge Wilper spends a great deal of time making sure that it does.

The Jefferson Award was established by The American Institute for Public Service, and is nationally recognized. On the local level, media sponsors solicit nominations of people who work to better their communities through volunteer and community services. KBCI CBS 2, Washington Trust Bank and the Idaho Statesman recognized Judge Wilper as April's recipient of the Jefferson Award.



Bannock County Graduates Four

Four graduates celebrated completion of drug court in Bannock County in June. Speaker of the House Bruce Newcomb spoke to participants at the two drug court graduations, which were held on June 20 and June 21.



Judge Smith makes a presentation to a graduate, as Bruce Newcomb, Speaker of the House, looks on.

Bruce Newcomb, Speaker of the House, addresses the graduates, with Judge Smith presiding.



Graduation in Caribou County

Caribou County held its first drug court graduation on June 7. Judge Don L. Harding and Judge Ronald M. Hart presided over the graduation of two felony drug court graduates and one misdemeanor graduate. In a speech at the ceremony, former Senator Linn Whitworth told the graduates that the decisions he made at a particular point in his life allowed him to fully enjoy his life now, and the lives of his 7 children and numerous grandchildren and great grandchildren.



Former Senator Linn Whitworth addresses the graduates.

Judges Ronald Hart and Don Harding presiding.





Committee Seeks Suggestions

The Bail Bonds Guidelines Committee is developing an agenda for its first meeting, and is seeking input from any person who has encountered issues relating to bail. Suggestions for improving the bail procedures system are welcome.

The Idaho Supreme Court recently appointed the committee, which is chaired by District Judge Barry Wood, to consider a variety of issues related to bail procedures. It includes representation from judges, lawyers, clerks, trial court administrators, sheriffs and members of the bail industry. The committee will review statutes and rules pertaining to bail, as well as bail guidelines in effect in various judicial districts. It will recommend changes and will consider uniform statewide bail guidelines. The Bail Bonds Guidelines Committee also will address other proposals that may be made for improving bail procedures.

Send suggestions to Michael Henderson, Legal Counsel, at (208) 334-2246 or mhenderson@idcourts.net.



Form Revisions Completed

The Standard Forms Committee completed its revisions to the domestic violence protection forms. The changes reflect recent amendments to Idaho Code §39-6306 (Senate Bill 1356, as amended), and incorporate other recommended revisions; they are effective immediately.

To view the complete information, visit:

<http://www.isc.idaho.gov/links/MJ-Clerks-TCA-Revision%20to%20DV%20Protection%20Order%20Forms.pdf>

Senator Crapo Headlines Summit

More than 100 people representing court personnel, law enforcement, school districts, health-related professions, students and community members gathered at the Domestic Violence Summit in Pocatello on June 2. The summit, hosted by the Bannock County Multi-Agency Domestic Violence Task Force, offered attendees insights and information on how domestic assault and violence affects people in Idaho.

Senator Mike Crapo, who is heavily involved in educating Idahoans about the effects of domestic violence on children, presented at the summit, as did the Hon. Lowell Castleton, Senior Judge, the Hon. Rob C. Naftz, Bannock County Magistrate Judge, and Kerry Hong, Sixth District Court Services Director.



A panel of speakers at the Domestic Violence Summit sent a clear message: Domestic violence affects all walks of life and continues to be a problem in Idaho.



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Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Daniel T. Eismann

Justice Roger S. Burdick

Justice Jim Jones

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

